

08/485,070


**UNITED STATES DEPARTMENT OF COMMERCE  
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08/485,070 APPLICATION NUMBER	06/07/95 FILING DATE	RETREUER FIRST NAMED APPLICANT	322,35 - D-1 ATTORNEY DOCKET NO.
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LM01/1008

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 DINI T  
EXAMINER

 ART UNIT  
PAPER NUMBER

12/98/98

DATE MAILED:

 This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS
**OFFICE ACTION SUMMARY**
☒ Responsive to communication(s) filed on 9/2/98
☐ This action is FINAL.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

 A shortened statutory period for response to this action is set to expire 2 month(s), or ~~thirty days~~, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).
**Disposition of Claims**
☐ Claim(s) \_\_\_\_\_ is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1, 17-47 is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
**Application Papers**
☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.
**Priority under 35 U.S.C. § 119**
☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
**Attachment(s)**
☐ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 24
☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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1) The request filed on 09/03/98 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/485,070 is acceptable and a CPA has been established. An action on the CPA follows.

2) The **I.D.S** filed 09/03/98 has been considered by Examiner. However, the Japanese/foreign document(s), if they have been cited by Applicant and have not been translated into English, are considered to the extent that could be understood from the Abstract ( English language ) and the drawings.

Form **PTO-1449** ( 5 sheets ) are attached herein.

3) The preliminary amendment filed on 09/03/98 is acknowledged. Claim 1 has been amended. New claims 17-47 have been currently added.

4) This application is in condition for allowance except for the following formal matters:

a) Claims 46 is objected as being improper dependent claim. Claims 46 recites an optical disk system but depends from method claim 36.

b) Claims 34,35 and 47 are objected to under 37 CFR 1.75<sup>o</sup> as being in improper form because a multiple dependent claim can not refer to a plurality of different sets of claims of different features. For example, claim 34 recites an optical disk system but depends from method claims 1,17-24. Claim 35 recites an optical disk

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system but depends from control apparatus claims 25-33. Claim 47 recites an optical disk system but depends from control apparatus claims 37-45. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

c) A complete and corrected set of the drawing.

Applicant is requested to correct items (a), (b) and (c) above in next communication.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire *two months* from the mailing date of this letter.

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on MONDAY to FRIDAY from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



TAN DINH  
PRIMARY EXAMINER

October 7, 1998